

CNR No.MHST-0500-0085-2025

IN THE COURT OF CIVIL JUDGE SENIOR DIVISION, KARAD
ORDER BELOW EXH.48
IN
SPL.C.S. NO.10 OF 2025

1. Shrimant Anandarao Kadam & Ors.	...Plaintiffs.
<i>Versus</i>	
1. Swati Appaso Kadam & Ors.	...Defendants.

Advocate Shri. A. R. Dange for the plaintiffs.

Advocate Shri. P. B. Patil for defendants.

Coram : S. B. Todkar,
C.J.S.D. Karad.
Date : 12/09/2025

ORAL ORDER :

This is an application filed by the plaintiff No.1 for permission to delete the name of deceased defendant No.4 from the title cause of the plaint.

2. Perused the application and say. Heard the both side.

3. It appears from the record that the plaintiffs have filed present suit against defendants for partition and separate possession etc. on the grounds specifically mentioned in the plaint. After service of writ of summons defendant Nos.1, 3 and 6 appeared. During pendency of the suit defendant No.4 Savitra Namdev Kadam expired on 12/04/2025, therefore, the plaintiffs have filed present application to delete his name from the title cause of the plaint. Plaintiff No.1 on oath at Exh.49 stated that, they have filed suit against defendants for partition. Suit is pending for written statement of the defendants. During the pendency of the suit

defendant No.4 Savitra Namdev Kadam expired on 12/04/2025 at Kiroli, Tal. Koregaon, Dist. Satara. Lata Maruti Shinde is the alone legal heir of deceased Savitra. Lata Maruti Shinde is already impleaded in plaint as defendant No.5. Therefore, it is necessary to delete the name of defendant. I have gone through death certificate produced by the plaintiffs at Exh.51/1. From that death certificate it appears that Savitra Namdev Kadam expired on 12/04/2025. Plaintiff No.1 on oath stated that, the sole legal heir of Savitra is already on record as defendant No.5. After the death of deceased defendant No.4 right to sue survives in favour of defendant No.5. She is already on record. Under this circumstances, considering the facts and circumstances of the suit, if the permission is granted to the plaintiffs to delete the name of deceased defendant No.4 from the title cause of the suit it will not cause any prejudice to the defendants. As the plaintiffs have made out the case for relief claimed in present application, it is deserves to be allowed. Hence, I proceed to pass the following order.

ORDER

1. Application Exh.48 is allowed as follows.
2. Permission is granted to the plaintiffs to delete the name of deceased defendant No. Savitra Namdev Kadam from the title cause of the plaint.

Date : 12/09/2025.

[S. B. Todkar]
Civil Judge, S.D. Karad.